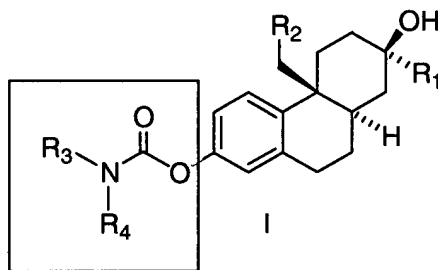


### REMARKS

In the Official Action dated April 7, 2004, claims 1-6, 12, 13, 18, 27, and 29 remain rejected under 35 U.S.C. §102(e), as allegedly being anticipated by Dow, et al. In response to the rejection under 35 U.S.C. §102(e), Claim 1 has been amended to expedite prosecution and place this case in condition for allowance. In addition, Claim 2 has been amended to correct a typographical error.

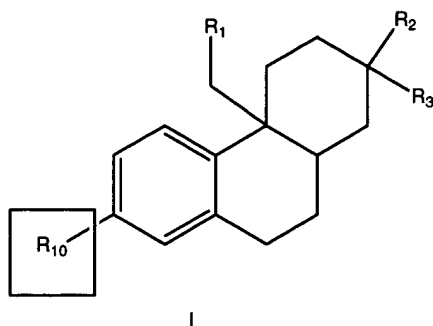
This Response addresses the Examiner's rejection under 35 U.S.C. §102(e). Accordingly, the present application is in condition for allowance. Favorable consideration of claims 1-6, 12, 13, 18, 27, 24, and 29 is, therefore, respectfully requested.

Applicants have amended R<sup>4</sup> in Claim 1 to be defined as  $-(C_2-C_5)\text{alkyl}-NR^5-R^6$ . Claim 1 is directed to compounds and their pharmaceutically acceptable salts of Formula I having the following structure:



wherein R<sub>1</sub>, R<sub>2</sub>, R<sub>3</sub>, and R<sub>4</sub> are as defined in the specification.

In the Advisory Action, the Examiner stated that Dow, et al. discloses, in column 14, a compound of the formula:



wherein  $R_{10}$  can be a  $-O(CO)NH-$  group. According to Dow, et al.,  $R_{10}$  can be  $-O-Z-C(O)-NR_{12}R_{13}$  wherein  $Z$  is  $-(C_0-C_1)alkyl$ , and  $R_{12}$  and  $R_{13}$  are independently a)  $-H$  or b)  $-(C_1-C_2)alkyl$ ; or  $R^{12}$  and  $R^{13}$  are taken together with  $N$  to form pyrrolidinyl.

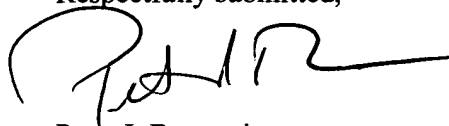
The presently claimed invention differs from Dow, et al. wherein the present invention would require  $R^{12}$  or  $R^{13}$  in Dow, et al. to be  $-(C_2-C_3)alkyl-NR^5-R^6$ . Dow, et al., instead, discloses that  $R^{12}$  or  $R^{13}$  can independently be a)  $-H$  or b)  $-(C_1-C_2)alkyl$ ; or  $R^{12}$  and  $R^{13}$  can be taken together with  $N$  to form pyrrolidinyl. Accordingly, the above-amendment removes any possible overlap between the claimed invention and Dow, et al.

The Examiner also asserts that compounds disclosed in columns 90-91 of Dow, et al. anticipate Claim 1. Applicants respectfully submit the above amendment to Claim 1 removes any possible overlap between the claimed invention and the disclosure in columns 90-91 in Dow, et al. for the same reasons stated above.

Because Dow, et al. do not disclose that  $R^{12}$  or  $R^{13}$  in Dow, et al. can be  $-(C_2-C_3)alkyl-NR^5-R^6$ , Dow, et al. fail to disclose every element of Claim 1, and therefore, Claim 1 is novel in view of Dow, et al. For the same reasons, claims 2-6, 12, 13, 18, 27, 24, and 29, which recite all of the Claim 1 elements, are novel in view of Dow, et al.

Thus, in view of the foregoing amendments and remarks, the present application is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Peter I. Bernstein', with a long horizontal flourish extending to the right.

Peter I. Bernstein  
Registration No. 43,497

Scully, Scott, Murphy & Presser  
400 Garden City Plaza  
Garden City, New York 11530  
(516) 742-4343

PIB/RLB:nis